

Town Board Minutes May 19, 2004

Present were Councilman Brien M. Hopkins, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Councilman Richard K. Hawkins, Supervisor William A. Eagan, Town Attorney Kelly A. Vacco and Deputy Highway Superintendent Tracy Hirsch.

Reverend James Laun, Churchill Memorial United Methodist Church opened the meeting with a prayer.

A motion was made by Councilman Mead and seconded by Councilman Hawkins to approve the new position duties statement for the Deputy Highway Superintendent.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Hawkins to approve the proposal from TSL Co., Inc. regarding the Real Property Equity Project for updates to the Towns assessments at the cost of \$65,000.

five (5) Ayes Carried

Supervisor Eagan recognized Dr. Peter Roswell and Principal Eric Pearlstein from the Hamburg School District.

Hamburg Central School Superintendent Dr. Peter Roswell presented a plaque to the Town Board for their diligence in building the playground at Boston Valley Elementary. The resolution recognized the hard work and donations of many Boston Community members.

A motion was made by Councilman Simmeth and seconded by Supervisor Eagan to adopt the minutes of the May 5, 2004 regular meeting.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth upon review by the Town Board that fund bills on the Abstract dated May 13, 2004 in the amount of \$83,459.81 be paid.

five (5) Ayes Carried

Received and filed Erie County Sheriff's Report for April 2004.

Received and filed a complaint from NYSEG regarding their Special Franchise Assessment.

Received and filed a letter from Senator Volker acknowledging receipt of the LGRMIF and CEF Resolution.

Received and filed Notice of Auction and Sales of Excess Assets from ADELPHIA Communications Corporation.

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to schedule the annual mobile home parks inspection on Friday, June 11, starting at 5 p.m. at the Boston Hills Homes & Estates and 6 p.m. at Sprague Mobile Home Park.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead to approve the Soil Removal Permit of Greg Gerwitz at Backcreek Road.

five (5) Ayes Carried

A request was received from Dog Control Officer Waszak to replace the existing Dog Control Van. Supervisor Eagan stated that the Board would pursue grants to meet this request.

A motion was made by Councilman Mead and seconded by Supervisor Eagan to appoint Mary Callahan as Summer Recreation Supervisor at a salary of \$2,500, effective immediately. Term to expire August 30, 2004.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to approve the application from Karen Ellis to use the Lions Shelter on August 21, 2004.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to approve the application from Vivian Feltz to use the Boston Commons on July 31, 2004 for Boston's Yard and Sidewalk Sale.

five (5) Ayes Carried

Received and filed letter from Robert T. Brown, Finance Department, Town of Hamburg regarding Professional Fire Dispatching Services for the area encompassed by the Boston Fire District.

RESOLUTION 2004-15 STATE OF NEW YORK PROPOSED

BILL S6056/A9556

A motion was made by Councilman Hopkins and seconded by Councilman Mead to table the special use permit application from Marcia Baeumler. An informal site plan is requested with a deadline of May 27th at 12:00 p.m. Applicant will also be requested to attend the June 1st Agenda Review at 6:30 p.m.

five (5) Ayes Carried

Councilman Simmeth asked Town Clerk Shenk if the letters received opposing this permit were entered in as part of the public hearing.

Town Clerk Shenk stated that they were noted in the May 5, 2004 minutes, and the applicant was given a copy of each letter after the Town Board Meeting.

Supervisor Eagan read a letter from Hillfest Committee stating the fact that all concerns have now been met and request the Town Board approve the dates of July 17th for set up and July 18th for the event.

Supervisor Eagan thanked the Hillfest Committee for addressing these concerns, but there was no mention of alcohol beverages being served. If there is, a NYS Liquor License is needed.

Councilman Hawkins: The original application did say wine tasting. They have scaled the event down to one day. We still don't know if they are having wine tasting. I have been contacted by several businesses that have stated that this town cannot support two events. We need to have both parties work together to have one successful event.

A motion was made by Councilman Hawkins and seconded by Councilman Mead to deny the Application for use of facility from the Hillfest Committee because all requests were not met.

five (5) Ayes Carried

Town Attorney Vacco stated that by denying the application, we are not denying them to have the event. You are simply freeing up that date which has been reserved for them. They can reapply under a different application for the same dates, if available, with the conditions met and concerns addressed.

Councilman Mead requested Town Clerk Shenk send a letter to the Hillfest Committee requesting their attendance at the June 1st, agenda meeting at 7:00 p.m.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to appropriate \$3,000 to support the Scenic Byway project.

five (5) Ayes Carried

Supervisor Eagan requested Town Clerk Shenk send a letter to Robert Lennartz informing him of the \$3,000 support from the Town.

SUPERVISOR REPORT

The Supervisor's monthly report for April 2004 was received and is on file in the Town Clerk's Office.

Supervisor Eagan mentioned that the Highway Department has been doing a great job claying the infields.

Supervisor Eagan also mentioned that the Morton Building has arrived and construction will start soon.

Supervisor Eagan reminded everyone of the Memorial Day celebration on May 31st. Parade starts at 2:15 p.m. and the program at 2:30 p.m.

TOWN CLERK REPORT

A motion was made by Councilman Simmeth and seconded by Supervisor Eagan to accept the Town Clerk's monthly report for April 2004.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to accept the Tax Collector's monthly report for April 2004.

five (5) Ayes Carried

Town Clerk Shenk received the following quotes for a new copier:

Sharp AR 550 N (36m/l) \$475 Kyocera 4035 (36m/l) \$402

Sharp AR 550 N (48m/l) \$417 Sharp AR 507 (36m/l) \$425

A motion was made by Councilman Mead and seconded by Councilman Hawkins to accept the Town Clerk's recommendation to purchase a Sharp AR 550 N copier at the monthly cost of \$475 for 36 months.

five (5) Ayes Carried

HIGHWAY SUPERINTENDENT REPORT

Deputy Highway Superintendent Hirsch stated that Highway Superintendent Poore is attending the Erie County Highway Superintendent's Association Installation Dinner.

Deputy Highway Superintendent Hirsch reported the following from the Parks Department: baseball diamonds have been improved at the Town Park and at North Boston, bocce ball courts are almost complete, Morton Building site work is complete and was approved by Morton Builders, the building has been delivered and is ready for construction. After installation is complete, The Highway Department will oversee installing the concrete pad, all highway trucks and equipment are now in compliance, the flagpole is down for painting, the memorial tree for Lee Emerling has been planted, a new entry gate for

baseball diamond #2 is being installed, power has been restored to the scoreboard and the snack shack, work on the tractor pull track for the Boson Community Days will begin shortly and the Town tennis courts have been painted and are ready for play.

Deputy Highway Superintendent Hirsch reported the following for the Highway Department: Brush pick up is continuing, a temporary safety fence was installed at the Newberry residence on the corner of Thornwood and Park Drives, the Town Engineer, Foit-Albert and Highway Superintendent Poore are addressing the drainage problem at Elmtree Place and Northside Drive; Highway Superintendent Poore will keep everyone informed, The Highway Department is working on winter plow damage and sweeping the roads; Residents who would like soil fill or wood chips need to submit a form to Highway Department; forms can be picked up at the Town Clerk's office or at the Highway Department and scrap metal has been turned in, proceeds will be sent to the Bookkeeper.

TOWN ATTORNEY REPORT

Town Attorney Vacco stated that there is currently an Article 7 tax proceeding against the Town of Boston scheduled for June 3rd. She asked the Town Board for authorization to interview outside counsel that specializes in Article 7 tax proceedings in the event that this does not settle.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to authorize Town Attorney Vacco to interview outside counsel who specializes in Article 7 tax proceedings.

five (5) Ayes Carried

Town Attorney Vacco commented on the fire hydrant issues and the fact that Erie County declined to replace them. She spoke with Paul Becker in Erie County and he suggested that the Town request the fire companies to inspect hydrants in their district and report any that need to be replaced or relocated to the Town Board. Erie County would assist in that process or the Town could hire an independent plumber if the town saw fit.

Supervisor Eagan: Are there any monetary issues involving their assistance?

Town Attorney Vacco: No.

Councilman Hawkins: I will get in touch with the fire companies and instruct them to inspect those hydrants and submit a letter to the Town Board.

COUNCILMAN REPORTS

Councilman Mead thanked the Highway Department for all their hard work on the Town Park and asked the residents to be patient with regards to the roads and drainage.

TOWN JUSTICE REPORT

A) The Town Justice report for April 2004 was received and is on file in the Town Clerk's Office.

CODE ENFORCEMENT OFFICER'S REPORT

A) The Code Enforcement Officer's report for April 2004 was received and is on file in the Town Clerk's Office.

B) The Deputy Code Enforcement Officer's report for April 2004 was received and is on file in the Town Clerk's Office.

DOG CONTROL OFFICER'S REPORT

A) The Dog Control Officer's report for April 2004 was received and is on file in the Town Clerk's Office.

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to adjourn the meeting at 8:10 p.m.

five (5) Ayes Carried

DAVID J. SHENK, TOWN CLERK